

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL MISCELLANEOUS PETITION NO. 72 OF 2025

AIC246 AG And CO KG

...Petitioner

Versus

The Patent Office Of India Through Controller

General Of Patents, Designs And Trade Marks & Ors.

...Respondents

Mr. Amey Nargolkar a/w Ms. Nisha Austine, Dhiren Karania, Arkadeep Kundu
i/b Khaitan & Co., for Petitioner.

Mr. Vinit Jain a/w Gaurav Mhatre for Respondent No.1.

Mr. Rashmin Khandekar a/w Anand Mohan, Vanditha Malhotra Hegde, Rishi
Mody, Archi Gala, Ms. Sanjana Krishnarama i/b VMH & Associates for
Respondent No.3.

CORAM : ARIF S. DOCTOR, J.

DATE : 12th NOVEMBER 2025

P.C.

1. It is pointed out by Mr. Khandekar, learned counsel for Respondent No.3, that the very maintainability of this Appeal is in question, since the order impugned has been passed under Section 25(1) of the Patents Act. It is submitted that no appeal would lie from an order passed under Section 25(1) of the Patents Act.

2. Mr. Nargolkar, learned counsel for the Petitioner, does not dispute that the impugned order has been passed under Section 25(1) of the Patents Act, but

submits that since what has been done is the rejection of the Petitioner's Patent Application, the same would be appealable under the provisions of Section 117A. He further submits that he has Judgments in support of such contentions and, hence, requests the matter be stood over to **25th November 2025** at 1.00 p.m.

3. The judgments that Mr. Nargolkar seeks to rely upon shall be shared with Mr. Khandekar sufficiently in advance.

(ARIF S. DOCTOR, J.)